



IT IS ORDERED as set forth below:

Date: April 20, 2009

A handwritten signature in black ink, appearing to read "Margaret H. Murphy", is written over a horizontal line.

**Margaret H. Murphy
U.S. Bankruptcy Court Judge**

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 13
)	
LILLIE BELLE ALBERT,)	CASE NO. 07-78049-MHM
)	
Debtor.)	
)	

U.S. BANK N.A., AS SUCCESSOR BY)	
MERGER TO THE LEADER MORTGAGE,)	CONTESTED MATTER
COMPANY,)	
)	
Movant.)	
)	
vs.)	
)	
LILLIE BELLE ALBERT)	
ADAM M. GOODMAN, Trustee,)	
)	
Respondents.)	

CONSENT ORDER ON MOTION FOR RELIEF FROM STAY

The above styled Motion was set down for hearing on March 26, 2009, upon Notice of Hearing to each of the above-captioned

parties in interest. It appears that the Movant and Debtor consent; accordingly, it is hereby

ORDERED that the Motion for Relief from Stay with respect to 879 Victoria Place, Atlanta, Georgia (the "Collateral") is denied, as the parties herein agree that the interest of Movant is adequately protected by payment and performance as more particularly set forth hereinafter. It is further

ORDERED that the post-petition arrearage through March 31, 2009, totals \$2,303.16, including two (2) payments of \$674.60 each, two (2) late charges of \$26.98 each, property inspection fees in the amount of \$120.00, insufficient funds fees in the amount of \$30.00, \$150.00 for a filing fee and \$600.00 in reasonable attorney's fees. It is further

ORDERED that Debtors shall make timely payments to Movant as follows:

Debtor shall receive credit for the sum of \$829.23 in his/her suspense account. Beginning April 1, 2009 Debtor shall resume timely remittance of the regular monthly mortgage payments. Beginning April 15, 2009 and continuing on the 15th day of each subsequent month, Debtor shall pay an additional \$120.66 per month, for six (6) months or until the arrearage is cured. Payments should be sent to US Bank Home Mortgage, 4801 Fredericka Street, Owensboro, KY 42301 or to such address as may be designated.

It is further

ORDERED that Movant is authorized to amend its Proof of

Claim, or to file a Proof of Claim if applicable, to have its attorney's fees and costs of \$750.00 paid by the Chapter 13 Trustee in the normal disbursements. It is further

ORDERED that, upon delinquency by Debtor in the payment of any sum specified herein, or in any regular monthly mortgage payments which come due according to Movant's Note and Deed for a period of six (6) months from the date of entry of this Order, then Movant may be permitted to recover and dispose of the Collateral pursuant to applicable state law only after submitting a Delinquency Motion (as more particularly described below) and the entry of an Order Modifying the Automatic Stay of 11 U.S.C. Section 362 in the following manner:

(A) Counsel for Movant shall serve both Debtor and Debtor's Counsel of record with written notice of the specific facts of the delinquency (the Delinquency Notice); said notice may be contained in a letter but shall

(1) state that the Debtor may cure the delinquency within 10 calendar days of receipt of said notice; and

(2) shall specifically provide the correct street address for mailing or delivering such payment;

Pursuant to this Order, Debtor shall be presumed to have received the Delinquency Notice on the fifth (5th) calendar day following the mailing of said notice by Counsel for

Movant; provided, however, that

(a) the Delinquency Notice is properly addressed to Debtor at the address set forth on the Distribution List attached to this Order pursuant to BLR 9013-3(c)(2) NDGa, unless Movant or Counsel for Movant receives notice in writing of a change in Debtor's address within a reasonable time prior to mailing of the Delinquency Notice; and

(b) the Delinquency Notice is not returned to Counsel for Movant by the U.S. Postal Service as undeliverable by reason of improper address.

(B) If Debtor fails to cure the delinquency within 10 days of receipt of said written notice, Counsel for Movant may present to the Court, after service on both Debtor, Debtor's Counsel and the Trustee:

(1) a Motion, which must contain allegations of the specific facts of the delinquency; provided, however, that instead of alleging facts of the delinquency in the Motion (the averments of which are subject to Rule 9011), the Motion may be accompanied by an Affidavit from Movant setting forth the specific facts of the delinquency, and

(2) a copy of the Delinquency Notice; and

(3) a proposed Order (the Motion, Affidavit, copy of the Delinquency Notice and the proposed Order are herein collectively referred to as ''Delinquency Motion'').

Upon presentation of the proposed Order, the Court may enter an Order modifying the automatic stay as to the Collateral, without further hearing. It is further

ORDERED that upon completion of any foreclosure sale, any funds in excess of the lawful payoff due to Movant under its Note and Security Deed, and to any subordinate lienholder(s) properly entitled to receive proceeds under applicable State Law, shall be promptly remitted to the Trustee for the benefit of the Estate.

FURTHER ORDERED that upon completion of the terms of this Order and unless this case is dismissed, this mortgage shall be deemed current except for arrearages, if any, being paid through the Chapter 13 Plan and as claimed by the filed proof of claim on behalf of the Movant, or any of its predecessors. Movant agrees that as of the date of this Order, no corporate advances or expenses, statutory fees, legal fees, corporate suspense amounts or any other fees, charges or expenses that the holder of the mortgage loan or the master servicer, the servicer, the sub-servicer, the default servicer or any other entity has added to the account of the Debtor, except for those which have been included in this Order, unless otherwise approved by the Court,

are due, and if any exist, they are hereby forever canceled and discharged as of the date of this Order.

[END OF DOCUMENT]

CONSENTED TO BY:

s/ Richard H. Siegel, Bar No. 645825

Maria Tsagaris, Bar No. 143071
Attorney for Movant
McCalla Raymer, LLC
1544 Old Alabama Road
Roswell, Georgia 30076-2102
678-277-5159
File Number: NDSC-07-00015

s/ Carol Colliersmith by Richard H. Siegel with express permission

Carol Colliersmith, Bar No. 178058
Attorney for Debtor
Colliersmith & Associates
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Marietta, GA 30062
404-815-1600

NO OPPOSITION:

s/ Adam M. Goodman by Richard H. Siegel with express permission

Adam M. Goodman, Bar No. 300887
Chapter 13 Trustee
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DISTRIBUTION LIST

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